

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 JOSE ALBERTO PEREZ-CORTEZ,

Case No. 2:24-cv-01307-GMN-NJK

4 Petitioner,

ORDER

5 v.

6 MICHAEL BERNANKE, *et al.*,

7 Respondents.

8 Petitioner Jose Alberto Perez-Cortez filed a Petition for Writ of Habeas Corpus under 28
9 U.S.C. § 2241 and a Motion for Appointment of Counsel. (ECF No. 1-1.) The Federal Public
10 Defender then filed a Motion for Appointment of Counsel, requesting to be appointed as counsel
11 for Perez-Cortez. (ECF No. 3.) The Court instructed Perez-Cortez to file a Motion for Leave to
12 Proceed *In Forma Pauperis* (“IFP”), and Perez-Cortez timely complied. (ECF Nos. 4, 5.) This
13 matter comes before the Court for initial review of the Petition for Writ of Habeas Corpus under
14 28 U.S.C. § 2241 and for consideration of Perez-Cortez’s Motions.

15 Perez-Cortez challenges (1) his prolonged detention without a fair bond hearing for over
16 two years, and (2) his pending deportation based on an offense for which he received a pardon.
17 (ECF No. 1-1.) First, the Court finds good cause exists to grant the Motion to Proceed IFP.
18 Second, having conducted a preliminary review of the Petition for Writ of Habeas Corpus under
19 28 U.S.C. § 2241, the Court directs that it be served on Respondents. And third, the Court finds
20 that the interests of justice warrant the granting of the Motions for Appointment of Counsel given
21 the complexities of this case. *See* 18 U.S.C. § 3006A(a)(2)(B).

22 It is therefore Ordered that the Motion for Leave to Proceed IFP (ECF No. 5) is granted.
23

1 It is further Ordered that the Motion for Appointment of Counsel (ECF No. 3) is granted.
2 The Federal Public Defender, through Laura Barrera, Esq., is appointed as counsel for Perez-
3 Cortez under 18 U.S.C. § 3006A(a)(2)(B). Ms. Barrera will represent Perez-Cortez in all federal
4 proceedings related to this matter, including any appeals or certiorari proceedings, unless allowed
5 to withdraw.


6 It is further Ordered that the Clerk of Court (1) file the Petition for Writ of Habeas Corpus
7 under 28 U.S.C. § 2241 (ECF No. 1-1), and (2) serve the Petition for Writ of Habeas Corpus under
8 28 U.S.C. § 2241 on Respondents as follows:

- 9 1. By serving a copy of the Petition for Writ of Habeas Corpus under 28 U.S.C.
10 § 2241 (ECF No. 1-1) and this Order on the United States Attorney for the District
11 of Nevada in accordance with Rule 5(b)(2)(E) of the Federal Rules of Civil
12 Procedure.
- 13 2. By sending a copy of the Petition for Writ of Habeas Corpus under 28 U.S.C.
14 § 2241 (ECF No. 1-1) and this Order by mail pursuant to Rule 5(b)(2)(C) of the
15 Federal Rules of Civil Procedure to: (1) Michael Bernanke, Salt Lake City ICE
16 Field Office Director, 2975 Decker Lake Drive, Suite 100, West Valley City, UT
17 84119-6096; (2) Patrick J. Lechleitner, ICE Deputy Director, 500 12th St. SW,
18 Washington, DC 20536; (3) Alejandro Mayorkas, Secretary of the Department of
19 Homeland Security, 2707 Martin Luther King Jr. Ave SE, Washington, DC 20528;
20 and (4) Merrick B. Garland, Attorney General of the United States, 950
21 Pennsylvania Avenue, NW, Washington, DC 20530-0001.

22 It is further Ordered that Perez-Cortez has 30 days to file a counseled Amended Petition or
23 seek other appropriate relief. If Perez-Cortez files an Amended Petition, Respondents must file

1 and serve their response within 21 days of service of the Amended Petition. Perez-Cortez may
2 then file a reply within 14 days of service of the response. Local Rule LR 7-2(b) governs the
3 scheduling for responses and replies to motions filed by either party.

4 Dated: August 12, 2024

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8 Gloria M. Navarro, Judge
9 United States District Court
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